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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,334

09/16/2003

Yukio Tajima

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

02/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/662,334	Applicant(s) TAJIMA ET AL.	
	Examiner Jeffrey R. Swearingen	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20081110</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reifman et al. (US 5,438,433) in view of Sadr-Salek (US 6,417,934).
4. In regard to claims 1, 4, 7, 10, 13, 16, Reifman disclosed a network of IFAX facsimile machines. (*plural service processing apparatuses each connected to the network, wherein the plural service processes include at least one of copying, printing, scanning, sending facsimiles, receiving facsimiles, and image processing*) Reifman, column 8, lines 59-65. Reifman allowed for remote access of the facsimile machines. Reifman, column 35, lines 41-53. Reifman allowed for fax load balancing, where two or more IFAXs were coupled together over a network to more efficiently send the amount of outgoing facsimile messages. (*a cooperative processing unit that makes two or more of the plural service processing apparatuses cooperatively execute the plural service processes on the document data on the basis of the interpreted one or more of the instructions*) Reifman, column 39, lines 39-65. Reifman, column 64, lines 61-68. A

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load factor for an IFAX machine should not be greater than five messages. Reifman, column 65, line 10. *(an identifying unit connected to the network that receives a notification from at least one of the plural service processing apparatuses that the specific event has occurred [load balance form factor greater than five causing transfer of outgoing faxes to additional IFAX machines] and that identifies the one or more of the instructions corresponding to the specific event based on the notification that the specific event has occurred and on the basis of the correspondence relation [transferring outgoing faxes to additional IFAX machines based upon load factor]; an interpreting unit that interprets the one or more of the instructions identified by the identifying unit [instructions to transfer faxes between IFAX machines to balance the load])* Reifman creates *instructions identifying a location of document data to be processed and identifying plural service processes to be executed on the document data*, sending the specific FAX from the mailbox in column 10, lines 13-24.

Reifman failed to disclose a remote unit which controlled the IFAX machine. Reifman allowed for remote access to the FAX machine in column 35, lines 41-53. Sadr-Salek disclosed a data management system (Sadr-Salek, column 3, lines 40-42) which remotely controlled a multiplicity of physical facsimile servers (Sadr-Salek, column 3, lines 40-42) over a network (Sadr-Salek, column 4, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of invention to use a remote control system such as Sadr-Salek which remotely controlled fax servers over a network with Reifman, which was a load balancing fax system that supported remote access for control.

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5. In regard to claim 2, 5, 8, 11, 14, 17, Reifman further disclosed *a setting unit that sets one or more of the instructions and content of the specific event serving as processing timing for the one or more of the instructions; and* [send FAX at a specific time, Reifman, column 20, line 21]

a generating unit that generates, on the basis of the content of the specific event set by the setting unit, the correspondence relation and the one or more of the instructions for executing the plural service processes on the document data, and stores the correspondence relation and the one or more of the instructions in the storing unit. [storing a specific time for sending the FAX, and storing the FAX for sending at the specific time, Reifman, column 20, lines 12-27]

6. In regard to claim 3, 6, 9, 12, 15, 18, Reifman further disclosed *an authenticating unit that authenticates the user, wherein the generating unit associates information of the user with the instructions and stores the information of the user and the instructions in the storing unit.* [use of a Digital Signature for Authentication, Reifman, column 46, lines 57-58]

7. In regard to claim 19, Reifman disclosed the specific event is reception of document data from outside. Reifman, column 48, lines 4-9 discloses ways that incoming faxes can be handled upon receipt.

8. In regard to claim 20, Reifman further disclosed the specific event is arrival of a predetermined time. [storing a specific time for sending the FAX, and storing the FAX for sending at the specific time, Reifman, column 20, lines 12-27]

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9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reifman in view of Sadr-Salek as applied to claim 1 above, and further in view of Pajak et al (US 7,133,908).

10. In regard to claim 22, Reifman in view of Sadr-Salek failed to disclose the use of XML data. However, Pajak disclosed a Web-based management system for devices on a network including facsimile machines. Pajak, column 6, lines 6-21. Pajak collected the data for management using XML. Pajak, column 7, lines 1-15. It would have been obvious to one of ordinary skill in the art at the time of invention to use XML with the Reifman / Sadr-Salek invention since XML over HTTP was a distributed network protocol as taught in Pajak, and since the Reifman / Sadr-Salek combination used remote control of the facsimile which would have been using a distributed network protocol to control the facsimile machine.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Barry et al. US 7,099,027

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen

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Examiner
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/J. R. S./
Examiner, Art Unit 2445

/Larry D Donaghue/
Primary Examiner, Art Unit 2454